

Notice of Allowability

Application No.

09/937,265

Examiner

Lorna M. Douyon

Applicant(s)

BAECK, ANDRE CESAR

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated November 25, 2003.
2. ☒ The allowed claim(s) is/are 11, 20-23 renumbered 1-5 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jerry J. Yetter on February 3, 2004.

The application has been amended as follows:

In claim 11:

- a) lines 3-4, the phrase "is more highly concentrated" has been deleted;
- b) line 4, "that" after "region" (first occurrence) has been replaced with:
--is at least 1.5 times the amount of clay-- (support is found on page 4, lines 6-10).

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The objection to the abstract of the disclosure is withdrawn in view of applicant's amendment. The objection to the disclosure at pages 21, 22, 24, 25 and 27 is withdrawn in view of applicant's amendment. The rejection of claim 11 under 35 USC 102(b) as being anticipated by JP 56167798, and separately, over JP 57167454 is withdrawn in view of applicant's amendment. Neither JP '798 nor JP '454 teaches, discloses or suggests a detergent composition in tablet form comprising a discrete, faster-dissolving first region and a discrete, slower-dissolving

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second region wherein the clay in the first region is at least 1.5 times the amount of clay in the second region. The rejection of claims 12-13 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over JP '798, and separately over JP '454; the rejection of claims 14-17 under 35 USC 103(a) over JP '798; and the rejection of claims 18-19 under 35 USC 103(a) over JP '798, as earlier applied, in further view of Boskamp et al. (US Patent No. 6,313,080) are rendered moot in view of applicant's cancellation of these claims. JP '798 in view of Boskamp, the closest prior art, with respect to the presently amended claims, have also been overcome because JP '798 fails to teach a detergent composition in tablet form comprising a discrete, faster-dissolving first region and a discrete, slower-dissolving second region wherein the clay in the first region is at least 1.5 times the amount of clay in the second region. Even though Boskamp teaches fabric conditioning agent like bentonite clay being present in one zone of the tablet at a greater concentration than in another zone (see abstract, Example 1), Boskamp fails to teach acid sensitive montmorillonite clay at a greater concentration in the faster-dissolving region than in the slower-dissolving region. At col. 1, lines 25-39 and col. 2, lines 10-18, Boskamp teaches that the zone containing fabric softening agent at greater concentration will disintegrate and dissolve later than said other zone, hence, Boskamp teaches the exact opposite of the tablet of the present invention. Accordingly, the subject matter, as a whole, would not have been obvious to one of ordinary skill in the detergent art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571)-272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571)-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lorna M. Douyon

Lorna M. Douyon
Primary Examiner
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